

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Kenichi ISHIGA

Group Art Unit: 2624

Application No.: 10/540,972

Examiner: G. DESIRE

Filed: June 27, 2005

Docket No.: 124436

For: IMAGE PROCESSING APPARATUS AND IMAGE PROCESSING PROGRAM

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the January 12, 2009 Election of Species Requirement, Applicant provisionally elects Species I, as depicted by Fig. 2, with traverse. Applicant respectfully submits that at least claims 1, 4-12, 16-18, 27-28, 31-32, 35-36 and 81-87 read on the elected species.

It is also respectfully submitted that the subject matter of all species is sufficiently related that a thorough search for the subject matter of any one species would encompass a search for the subject matter of the remaining species. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid

unnecessary delay and expense to Applicant and duplicative examination by the Patent Office.

Thus, withdrawal of the Election of Species Requirement is respectfully requested.

Respectfully submitted,



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